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ABSTRACT

Although Pennsylvania has long made programming for all handicapped children mandatory, the passage of P.L. 94-142 has necessitated some changes even in this state. The major hurdle in the implementation of such a law is confusion and misinterpretation. Educators fear that the handicapped may be dumped into regular classes in an arbitrary manner. One way to lessen confusion and fear is to employ special education teachers as "educational consultants" to work with administrators and teachers. Another key to success is cooperation between the special education staff and the regular education staff. Other implementation problems include space limitations, the time and cost connected with writing Individual Educational Programs, and a feeling that handicapped children are not always better served by being integrated into regular classes. A common misinterpretation of the law is that all children must be mainstreamed in one way. Rather, there are three types of mainstreaming--academic, temporal, and social. It must also be realized that in some instances mainstreaming may be more restrictive than a program in a center. With all its problems, however, P.L. 94-142 holds significant positive goals. All must be committed to its basic philosophy of advancing the development of handicapped persons. (Author/JM)

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THE ADMINISTRATIVE ASPECTS OF P.L. 94-142 DEALING WITH FEDERAL MANDATES AND COMPLIANCES

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THE ADMINISTRATIVE ASPECTS OF P.L. 94-142: DEALING WITH FEDERAL MANDATES AND COMPLIANCES

Colonial Northampton Intermediate Unit Number 20 is geographically located along the eastern border of Pennsylvania. It is bordered on the east by the Delaware River which separates it from the States of New Jersey and New York. Three counties comprise the Intermediate Unit with a total of approximately 60,000 pupils in the public schools. Intermediate Units were established in 1971 for the purpose of providing member school districts with services, one of which is Special Education. This plan of reorganization reduced 66 county school systems and the city of Philadelphia School District into 29 Intermediate Units. Each Intermediate Unit is composed of a number of school districts and in most instances, includes more than one county. The Legislation that provided for this reorganization also provided that special education would be administered and directed to some extent through these Intermediate Unit Offices. It also permitted local districts to provide Special Education Services if they were financially able and if the number of exceptional children warranted locally operated programs.

Pennsylvania has, since 1954, provided programs for the mentally retarded. The now well-known Pennsylvania Association for Retarded Citizens October 1971 Decision, referred to as the PARC Decision, to provide special education for handicapped children made programming for all handicapped children mandatory in 1972. Much of the procedural language in P.L. 94-142 was based upon our PARC Decree. No postponement, denial, termination or change in program without parential consent is one prime example. Additionally, the agreement addresses Least Restrictive Environment and specific standards and regulations for the operation of special education programs. Therefore, Pennsylvania has been a forerunner in providing appropriate programs to handicapped children.

Public Law 94-142, the Education for all Handicapped Children Act, requires every state to provide a free and appropriate education to handicapped children. By September 1980, handicapped children between the ages of 3 and 21 must have made available to them a free appropriate public education. The law, however, does not apply to children 3 to 5 or 18 to 21 years old if the State does not provide regular education to those children. In Pennsylvania

the Law applies to persons age 6 to 21. Persons younger than the age of 6 but who are the age of children in regular education programs are protected and provided for in local school districts.

Although the Federal Government is committed to funding programs through the states, there is no question that the amount of federal funding has not met the demands and the needs facing our handicapped population. Since P.L. 94-142 came into effect there have been dramatic changes in our programs. Enrollment figures have escalated requiring not only the need for more staff but also for different types of staff. The Least Restrictive Environment requirement has resulted in the movement of thousands of handicapped students from segregated special education facilities to integrated schools.

Today, I would like to discuss some of the problems facing the administration of Public Law 94-142. Since Federal Guidelines are very similar to those formerly established in Pennsylvania, our transition and the implementation was not generally a difficult one. However, the major hurdle in the implementation of such a law has been its confusion and misinterpretations. With these misinterpretations has come some attitudinal changes of a negative nature from general educators who feel the handicapped will be dumped into regular classes on an arbitrary and capricious manner. The need to change these attitudes by presenting a thorough understanding of the law and its implications for mainstreaming has become the major thrust of our administration.

In our Intermediate Unit one of the ways we have attempted to meet the challenge of attitudinal change is by employing Educational Consultants. These Educational Consultants are teachers of Special Education who have proven themselves in the special education classroom and who are respected by their peers. They assist in the development of IEP's and also work with local school administrators and teachers to ensure that youngsters are appropriately mainstreamed into specific classrooms and courses. We mainstream to assist the student and not to comply with the law. These "ambassadors" are most important in delivering the message of the intent of the Law.

We have also made an honest attempt to integrate our exceptional population. Our plan has been to close self-contained facilities and allow the youngsters to filter back into home schools. Although the majority of our youngsters have been in integrated facilities, the ten self-contained facilities in use during 1977-1978 were reduced to seven for 1978-1979 and four for

1979-1980. Each school district was asked to explore its regular programs and its utilization of space. Through this utilization study and the cooperative spirit of all school districts in the Unit, classrooms were made available and approximately 140 youngsters were integrated in 1978-1979 and an additional 164 were integrated in 1979-1980. Of the 4,137 youngsters in Special Education Programs only 237 are receiving services in self-contained facilities this year. Where this has happened with the support of central and building administrators, we have been extremely successful. This success can be attributed to the ability of the special education staff and the regular education staff to work cooperatively in dealing with each individual youngster. We have moved dramatically from segregated special education self-contained facilities to segregated classes in integrated schools and finally to resource rooms which not only provied direct services to students but also support regular class teachers.

This is not to imply that we have been without problems. There, indeed, are problems in the administration and the implementation of this very worthwhile act. Many of the problems can be solved with adequate funding. Others can be resolved only by deligent labor and concern of those entrusted with the education of the exceptional child.

The problems dealing with the development of Individual Educational Programs are numerous. The time devoted to the writing of IEP's causes a reduction in valuable instructional time for the student. Release time must be granted or additional time must be provided to the teacher and, consequently reimbursed. The teachers' demand for extra money and planning time can be an administrative nightmare. Further, the IEP conference requires much imput from many individuals. We often refer to this as "operation overkill". The IEP meeting which is intended to be a collaborative effort between the parents and school officials can be most threatening to the parents who may feel very insignificant in the development of their child's IEP.

Additionally, the cost of developing the final product is inmeasurable when one adds to the necessary time and additional staff, the costs of paper and clerical time. Simply reproducing the IEP is a costly venture. The time involved to train consultants and implementors is long and hard. Our administrative and supervisory staff must be made familiar with the Act and must be able to impart that familiarity to those who are "in the trenches" providing the educational program.

Although we have advocated the use of multi-disciplinary teams for a number of years, the use of these terms has changed somewhat as required by law, and as a result has generated more identified exceptional children with educational needs. With more identified children and inadequate funding sources, there has been the necessity of developing hidden "waiting lists". Recognizing that "waiting lists" are not allowable under the Act, we have tended to provide special education programs for the most seriously involved and those less involved have been left to other means of instruction. Therefore, some students who may require full-time service can only be provided part-time service since full-time programs are at maximum numbers.

Again, regular educators who misintrepret the law have become dissolutioned and, indeed, are turned off because they feel that they may need to write the lengthy IEP's. They often interpret the IEP as a contact between parent and educator: A contract for which they will be held liable if the child does not progress as promised. This misinterpretation by regular educators, and in some instances by special educators, has made it difficult to have a full understanding and acceptance of the intent of the Law.

If we are able to fund new programs we still face another frustration -- space. We search long and hard for appropriate space to educate handicapped children and in some cases it is necessary to manufacture space and sometimes force regular educators to release room which may have been used for their convenience and comfort. When we convert a teacher lounge into a special education classroom, we certainly are not promulgating positive attitudes toward the handicapped child in the minds of regular educators.

Another major misinterpretation has been that All handicapped children will be mainstreamed. We view mainstreaming/integration as a three track program -- Academic, Temporal and Social.

In an academic mainstream situation, handicapped youngsters, most notably Emotionally Disturbed, Learning Disabled and some Educable Mentally Retarded, are placed into academic subjects such as reading, math, sciences, language arts, etc.

Temporal integration is the integration and mainstreaming of handicapped students into minor subject areas such as physical education, art and music. In this situation, academic competition and expectations are at a minimum since academic proficiency may not be realistic or essential.

The third type of integration we refer to as Social Integration. This type of integration is primarily in sharing of the same space; namely, the cafeterias, auditoriums, hall ways and buses. Social integration can reach our more severely involved handicapped students although it is not reserved for just this group.

A basic fear of some regular educators, special educators and parents of handicapped children is that if mainstreaming continues without regard for the student's needs, special education as such would be eliminated from the youngsters' programs. This could not be further from the truth. Others fear that children are being mainstreamed without proper preparation and that they cannot compete fully with those in the regular program.

Much blame and responsibility for unsuccessful mainstreaming is directed to regular educators for not understanding or being sensitive and accepting of the exceptional child. However, special educators in many instances do not understand the expectations of regular educators and thereby are not familiar with the regular education curriculum. Consequently, a critical mandate is for meaningful in-service workshops and programs for both regular and special education staffs. This formal method of in-service of the law and responsibilities of regular and special education may result in a more positive attitude relative to the exceptional child in the integrated school.

Lest we forget the recipient of these efforts we should address the children subjected to mainstreaming who may have many difficulties in dealing with their own self-concepts and are fearful of possible rejection from their classmates. Thus, although many feel placement of handicapped students in the mainstream will result in better self-concepts, the converse might result. Many are graded by systems differing from the youngsters with whom they are, indeed, competing. These situations and inconsistencies must be resolved. The prime change agents in our schools are building principals, yet there is a lack of general understanding by many of them.

Regarding the issue of segregation vs. integration which I feel is a constitutional one, there are those who feel that mainstreaming is not the answer nor the intent of Public Law 94-142. They feel that segregated programs and facilities specifically designed for handicapped children would be more beneficial to them than to be integrated into programs where they may meet with possible abuse from the regular education community.

There are, however, limitations to segregated facilities such as programs and personnel. It is difficult in a small special education facility to provide the necessary offerings of science, language arts, music and physical education for those youngsters who may be physically but not mentally handicapped. The physical limitations in most special education facilities are indeed limited and gymnasiums, shops and laboratories are not readily available. Personnel, in the form of special education teachers, tend mostly to be generalists when they deal with a special education youngster and, many youngsters do require the services of the subject specialists found in integrated schools. The segregated facilities have also caused a negative connotation of labeling. The youngsters are often referred to as attending the "dummy school". As youngsters progress in special education programs and warrant placement back in regular school, they are threatened by this move and fearful of being discovered as a former student in a segregated school.

It may appear to you that I have enumerated only the negative aspects of Public Law 94-142. The neatives presented are by no means indicative of a law which is unworthy of implementation. It is time that we all become aware of the needs of <u>All</u> children, both exceptional and nonexceptional; for when it is finally resolved, all individuals possess exceptionalities which need to be treated in different ways.

Public Law 94-142 holds significant positive goals. It is designed to assist the handicapped in four significant ways:

1. To assure that all handicapped children have available to them a free appropriate public education. This education must be geared to their own unique needs.

2. To protect the educational rights of these children and their parents or guardians.

3. To help local education agencies such as school districts in providing such an education.

4. To provide continuous checks assuring programs for handicapped children are effective in helping them realize their true potential.

More than half the handicapped children in this country were not receiving an education appropriate to their special needs prior to the Law. Others reportedly were struggling in regular classrooms because their handicapping problem had gone undetected. Many more had been excluded from any type of formal public school program. Handicapped children must have available to them the variety of educational programs and services available to non-handicapped children.

We need to look for innovative ways to meet these needs. Federally funded projects, such as Project TEAMS, are needed to obtain feedback and develop recommendations to local education agencies and state and federal government. Locally, our Project TEAMS has been a useful process of assisting our Intermediate Unit in engaging the assistance and support of various groups within the community in the understanding of 94-142. We are in the throes of addressing several issues related to the handicapped child. This process involves some 80 people including school and welfare officials, teachers, parents, advocates for the handicapped and other studying situations and developing workable solution to the following areas:

1. Least Restrictive Environment
2. Procedural Safeguards
3. Awareness
4. Screening
5. Evaluation
6. Staffing
7. Individual Programs

There is yet much to be accomplished before special educators and regular educators alike can sit back and reflect upon the accomplishments and advancements made since Public Law 94-142 took effect. We need to recognize that the children we work with in special education are, indeed, first children and then children who happen to have handicapping conditions. Their handicapping conditions do not make them any less a child or a person.

There are areas which must be refined and there must be a point of compromise between the idealistic and the realistic. There are advocates who mandate very specific kinds of programs

for the handicapped. They demand that All children be handled by very specifically high academically trained individuals. However, there are many handicapped who do not need that degree of specificity but can truly function and accomplish their goals in a more realistic manner with other types of programming and staffing patterns. I personnally object to the total elimination of segregated centers and facilities for I believe that there is a need for such alternatives. I further purport that there are youngsters that can truly benefit by placement in an integrated program and mainstreamed much of the time. I would suggest that in some instances mainstreaming may, indeed, be more restrictive than a program in a center.

There is great need for alternatives and flexibility of programs and staffing patterns. We have waited too long to provide appropriate educational and training opportunities. We, as educators and administrators must recognize our obligations and must exercise our expertise in meeting the challenge before we are forced into providing services which are meaningful and inappropriate.

Each child needs to be evaluated individually and his needs determined prior to making blanket universal decisions as to placement. Parent input is essential. Experts in the area of child growth and development need to be involved. The program providers; namely, the teacher must contribute so that the youngster can, in fact, progress at this best rate of speed.

With all of the problems of implementation, the Act has a very basic philosophy -- advancing the development of handicapped persons. To this end, we commit ourselves.